

REMARKS

OVERVIEW

Claims 1-4, 6-11, and 23-31 are pending in this application. Claims 23-31 are new.

Claims 1, 3, 4 and 10 have been amended. The present response is an earnest effort to place the application in proper form for immediate allowance. Reconsideration is respectfully requested.

ISSUES UNDER 35 U.S.C. § 102

The Examiner has previously rejected claims 12 and 16 under 35 U.S.C. § 102(e) as being anticipated by U. S. Patent No. 5,893,075 to Plainfield. The Applicant has cancelled claims 12-22, thereby mooting these rejections.

ISSUES UNDER 35 U.S.C. § 103

The Examiner has rejected claims 1-6, 9, 18, 19 and 22 under 35 U.S.C. § 103(a) as being unpatentable over Matyas in view of Cadotte (Office Action, page 2, numbered paragraph 4).

U. S. Patent No. 6,102,287 to Matyas discloses an electronic payment system where a buyer purchases a product by sending an electronic payment order to a seller and an evaluator collects product survey information from buyers that have previously purchased products from the seller and provides product survey information to prospective buyers upon request (Abstract). This allows potential buyers to review survey results and thereby make a more informed decision about buying a product. Matyas is particularly directed towards the online buying of content or services and on line evaluation thereof (Col. 2, line 34-Col. 3, line 63).

U. S. Patent No. 4,345,315 to Cadotte discloses a customer satisfaction terminal (title). The terminal includes a keyboard and displays inquiries with multiple choice questions for collecting opinion data from customers (Abstract). The device anonymously collects data of customer satisfaction (Col. 2, lines 50-59).

Regarding claims 18, 19 and 22, these claims have been cancelled thereby mooting any rejections. In addition, claim 1 has been amended, and the Examiner should now find claims 1-6 and 9 allowable.

Matyas is non-analogous art as Matyas is not directed towards "evaluating customer service performance of a specific employee" as required by claim 1. Therefore, it is improper to rely upon the Matyas reference and these rejections should be withdrawn on that basis.

Further, claim 1 has been amended to require that the question is presented "at the point of transaction and the time of transaction." This further distinguishes claim 1 from that which is disclosed in Matyas. In Matyas, buyers are asked questions to evaluate a product after they have bought it (Abstract). In Matyas, "the buyer later provides survey information to the evaluator" (Col. 3, lines 29-30). As Matyas teaches presenting questions and obtaining responses later after the purchase, Matyas simply does not disclose the limitations of "at the point of transaction" or "at the time of transaction." In addition, as the Examiner has already determined, Matyas does not teach evaluating customer service performance (Office Action, page 2, numbered paragraph 4).

Further, Cadotte does not disclose the limitations of "at the point of transaction" and "at the time of transaction." Therefore, no combination of Matyas and Cadotte can teach each and every limitation of claim 1. Therefore, the Examiner should now find claim 1 allowable. As claims 2-4 and 6-11 depend from claim 1, the Examiner should now also find these claims allowable as well.

NEW CLAIMS

The Applicant has added new claims 23-31. The Applicant submits that these claims add no new matter and the Examiner should also find these claims allowable.

New claim 23 is directed towards a method of evaluating customer service. New claim 23 is similar to amended claim 1, however, does not require the step of "recording" and requires that the step of "evaluating" be "evaluating the response at the point of transaction and at the time of transaction." Therefore, the Applicant submits that the Examiner should now find claim 23 allowable on the same basis as amended claim 1.

Claim 23 has a further basis for allowability. The Examiner previously relied upon Cadotte in rejecting previous claim 1. In claim 23, the step of "presenting a question" and the step of "obtaining a response" is performed "using an electronic payment device." The customer satisfaction terminal of Cadotte is simply not "an electronic payment device." Further, as the customer satisfaction terminal is not an electronic payment device, Cadotte cannot disclose the step of "presenting a question to a customer at the point of transaction and the time of transaction about the employee's performance." Since no combination of Matyas and Cadotte can teach each and every limitation of claim 23, the Examiner should find claim 23 allowable.

Claims 24-30 depends from claim 23, therefore, the Applicant submits that these claims should also be allowable. New claim 24 adds the step of "communicating an alert signal" that was present in cancelled claim 10. Claim 25 adds the step of "offering the customer a reward", that subject matter was present in claim 11. Similarly, claim 26 contains subject matter present in claim 6. The subject matter of claim 27 is supported by page 6 of the Specification, first full paragraph. The subject matter of claim 28 is disclosed in the Specification, page 8, second full paragraph. The step of storing claim 29 is disclosed at page 7 of the Specification, first full paragraph. The step of tying the employee's compensation to the response of claim 30 is disclosed in the Specification at page 11, second full paragraph. The Applicant submits that the Examiner should now find all of these new claims allowable as well.

New claim 31 is an independent claim for "a system for collecting customer feedback of an employee's performance at a point of transaction and at a time of transaction." The system requires that an "electronic payment device" be used to present a question and to obtain a response "at the time of transaction and at the point of transaction." As previously explained, the prior art does not disclose these limitations, and the Examiner should now find claim 31 allowable as well.

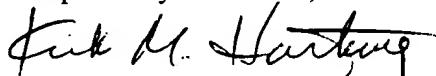
SUMMARY

Based upon the foregoing, the Applicant respectfully submits that all pending claims are in proper condition for allowance at this time as they are patentably distinguishable over the prior art. According, reconsideration of the application and immediate passage to issuance are respectfully submitted.

Enclosed is a check for \$460.00 to cover a three-month extension of time. No other fees or extensions of time are believed to be due in connection with this amendment. However, in the event that additional fees are required, any deficiencies should be charged to Deposit Account No. 26-0084.

Attached hereto is a marked-up version of the changes made to the specification and claims by the current amendment. The attached page is captioned "Version with markings to show changes made."

Respectfully submitted,



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- JDG/bja -



Application No. P03735US0

**AMENDMENT — VERSION WITH MARKINGS
TO SHOW CHANGES MADE**

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MAR 13 2002

Technology Center 2100

In the Claims

Kindly amend claims 1, 3, 4 and 10 as follows:

1. (Amended)

A method of evaluating customer service performance of a specific employee at a point of transaction and at a time of transaction, comprising:

presenting a question to a customer at the point of transaction and the time of transaction about the employee's performance using an electronic payment device;

obtaining a response to the question from the customer at the point of transaction using the electronic payment device;

recording the customer's response;

evaluating the response.

3. (Amended)

The method of evaluating customer service performance according to claim 1 wherein the question is presented to the customer on the-a display of an-the electronic payment device.

4. (Amended)

The method of evaluating customer service performance according to claim 1 wherein the question is presented on a monitor of the electronic payment device and the response is entered on a keyboard of the electronic payment device.

10. (Amended)

The method of evaluating customer service performance according to claim 1, further comprising:

communicating an alert signal when a-the customer service response falls below a threshold.

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PTO/SB/17 (11-01)

Approved for use through 10/31/2002. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

FEE TRANSMITTAL for FY 2002

Patent fees are subject to annual revision. Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 460.00)

Complete if Known

Application Number	
Filing Date	February 23, 1999
First Named Inventor	ANDERSON, NANCY L., et al.
Examiner Name	James Reagan
Group Art Unit	2163
Attorney Docket No.	P03735US0

METHOD OF PAYMENT (check all that apply)

 Check Credit card Money Order Other None
 Deposit Account:

Deposit Account Number

26-0084

Deposit Account Name

McKee, Voorhees & Sease, P.L.C.

The Commissioner is authorized to: (check all that apply)

- Charge fee(s) indicated below Credit any overpayments
 Charge any additional fee(s) during the pendency of this application
 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity	Small Entity	Fee Description	Fee Paid
Fee Code (\$)	Fee Code (\$)		
101 740	201 370	Utility filing fee	
106 330	206 165	Design filing fee	
107 510	207 255	Plant filing fee	
108 740	208 370	Reissue filing fee	
114 160	214 80	Provisional filing fee	
SUBTOTAL (1)	(\$)	0	

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Independent Claims	Multiple Dependent	Extra Claims	Fee from below	Fee Paid
			-20** =	X	=
			-3*** =	X	=

Large Entity	Small Entity	Fee Description
Fee Code (\$)	Fee Code (\$)	
103 18	203 9	Claims in excess of 20
102 84	202 42	Independent claims in excess of 3
104 280	204 140	Multiple dependent claim, if not paid
109 84	209 42	** Reissue independent claims over original patent
110 18	210 9	** Reissue claims in excess of 20 and over original patent
SUBTOTAL (2)	(\$)	0

**or number previously paid, if greater; For Reissues, see above

3. ADDITIONAL FEES

Large Entity	Small Entity	Fee Description	Fee Paid
Fee Code (\$)	Fee Code (\$)		
105 130	205 65	Surcharge - late filing fee or oath	
127 50	227 25	Surcharge - late provisional filing fee or cover sheet	
139 130	139 130	Non-English specification	
147 2,520	147 2,520	For filing a request for ex parte reexamination	
112 920*	112 920*	Requesting publication of SIR prior to Examiner action	
113 1,840*	113 1,840*	Requesting publication of SIR after Examiner action	
115 110	215 55	Extension for reply within first month	
116 400	216 200	Extension for reply within second month	
117 920	217 460	Extension for reply within third month	
118 1,440	218 720	Extension for reply within fourth month	
128 1,960	228 980	Extension for reply within fifth month	
119 320	219 160	Notice of Appeal	
120 320	220 160	Filing a brief in support of an appeal	
121 280	221 140	Request for oral hearing	
138 1,510	138 1,510	Petition to institute a public use proceeding	
140 110	240 55	Petition to revive - unavoidable	
141 1,280	241 640	Petition to revive - unintentional	
142 1,280	242 640	Utility issue fee (or reissue)	
143 460	243 230	Design issue fee	
144 620	244 310	Plant issue fee	
122 130	122 130	Petitions to the Commissioner	
123 50	123 50	Processing fee under 37 CFR 1.17(q)	
126 180	126 180	Submission of Information Disclosure Stmt	
581 40	581 40	Recording each patent assignment per property (times number of properties)	
146 740	246 370	Filing a submission after final rejection (37 CFR § 1.129(a))	
149 740	249 370	For each additional invention to be examined (37 CFR § 1.129(b))	
179 740	279 370	Request for Continued Examination (RCE)	
169 900	169 900	Request for expedited examination of a design application	
Other fee (specify)			
Reduced by Basic Filing Fee Paid	SUBTOTAL (3)	(\$)	460.00

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 460.00)

SUBMITTED BY

Complete if applicable

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Signature	<i>Kirk M. Hartung</i>			Date	1-15-2002

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